

REMARKS

The Office Action dated May 30, 2006 has been reviewed carefully and the application has been amended in a sincere effort to place it condition for allowance.

Claims 3 and 4 were rejected under 35 U.S.C. § 112 second paragraph. Claim 3 was rejected because there was no antecedent basis for “said neat methanol”. Claim 1 has been amended to refer to neat methanol, and therefore this rejection has been addressed.

Claim 4 has been amended to refer to the generic description for the chemical which had been described by use of the trade name. The amendment to claim 4 to address the Examiner’s rejection under Section 112 is supported by Applicant’s Specification at page 11, lines 15-17.

Claims 1-3, 10-12 and 27 were rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,773,706 to Wesley et al. (“Wesley”).

Applicant’s invention as set forth in representative claim 1 as amended herein comprises in part:

A fuel for use in a fuel cell, comprising:

- (A) a carbonaceous fuel substance wherein said carbonaceous fuel substance is substantially comprised of neat methanol; and**
- (B) a thickening substance that imparts viscosity to the fuel substance, thereby forming a gel fuel.**

In sharp contrast, Wesley does not in fact suggest neat methanol, but instead teaches in Table 4, column 16 (cited to by the Examiner), that the component should contain aqueous methanol. More specifically, the Table indicates that component 7 should contain approximately 72% methanol, and approximately 26.26% water. Thus, the gel is primarily an aqueous methanol solution, which also contains a thickening agent.

Claim 1 has been amended to refer specifically to neat methanol. Wesley does not teach neat methanol in its gel fuel. In the absence of this feature, Wesley cannot have anticipated independent claim 1 and the claims dependent thereupon.

Claims 1, 4 and 27 were rejected under 35 U.S.C. §102(b) as being anticipated by an article entitled “Solutions Closer to Home: Methanol Solid Fuel Gel Fire Starter”.

The article suggests as fuel ingredients 0.50% by weight of CarbolPol EZ3, 24% by weight of water, 75% by weight methanol, and 0.50% by weight of Triisopropanolamine. Accordingly, the substance described is primarily an aqueous methanol solution. The article does not disclose or teach neat methanol (pure methanol). Thus, claim 1, as amended, is not anticipated by the article due to the absence from the article of that feature.

Claims 13, 16-19 and 22 were rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent Abstract No. 02-234358 to Kanehara et al. (“Kanehara”). Claim 13 has been amended to indicate that the cartridge include a replaceable component. This amendment to claim 13 is supported by Applicant’s Specification at page 25, lines 21-24. Claims 16, 17 and 18 depend directly or indirectly upon claim 13. Claim 19 has been cancelled, without prejudice.

Claim 22 has been amended in a manner similar to that of claim 13, to recite that the cartridge is replaceable.

Kanehara does not teach a replaceable cartridge, and instead requires the fuel to be added through fuel delivery opening 4. In the absence of this feature, Kanehara cannot have anticipated Applicant's invention as claimed in claims 13, 16-18 and 22.

Applicant respectfully submits that the other rejections refer to claims which are dependent claims. It is respectfully submitted that the independent claims upon which they depend have been amended herein and are patentable over the cited references. Therefore, as the dependent claims depend from allowable independent claims, they are themselves similarly allowable.

Applicant gratefully acknowledges allowability of claims 14, 15, 20 and 21. These claims have been rewritten in independent form including all of the limitations of the base claim and any intervening claims or they dependent from such a claim that has been so rewritten.

Applicant also gratefully acknowledges the allowance of claims 23-26.

Regarding the objections to the application, the Specification has been amended herein to refer to reference character 109 in Fig. 1. In addition, the numerals 414 and 416 referred to on page 21, line 2 are shown in Figure 4B in the formal drawings, which were filed with the Preliminary Amendment on April 22, 2004. No new matter has been entered.

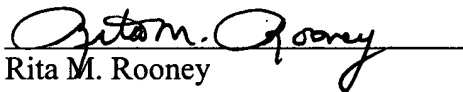
Summary

All of the claims have been amended herein either directly or through dependency. It is thus respectfully submitted that the application is now in condition for allowance.

Please do not hesitate to contact the undersigned in order to advance the prosecution of this application in any respect.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Rita M. Rooney", is written over a horizontal line.

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